

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
CHRISTOPHER RYAN BUSBY,  
  
Defendant.

Case No.: 2:15-cr-00353-GMN-NJK

ORDER  
(Docket No. 243)

Presently before the Court is Defendant Christopher Ryan Busby's motion for discovery, filed on June 4, 2024. Docket No. 243. Although Defendant now terms this a motion for discovery, he previously filed the same request, but titled it a motion for issuance of subpoenas. Docket No. 217. No response is needed.

**I. BACKGROUND**

Defendant asks the Court to issue four subpoenas for records. Docket No. 243-1. Defendant submits that the subpoenas were initially drafted by prior counsel in preparation for trial, prior to Defendant's change of plea. Docket No. 243 at 4. Defendant submits that the purpose of the subpoenas is to determine whether the representation of prior counsel was deficient. *Id.*

**II. ANALYSIS**

On March 8, 2024, the Court denied Defendant's motion for issuance of subpoenas without prejudice. Docket No. 221. The Court noted that a party must obtain leave of court for a subpoena *duces tecum* and that the party "seeking production bears the burden of showing good cause for production before trial." *Id.* at 2. The Court set out the specific factors that a movant must show in order to demonstrate good cause for the issuance of a Rule 17 subpoena. *Id.* at 2-3. *See United States v. Sellers*, 275 F.R.D. 620, 623 (D.Nev. 2011); *United States v. Iozia*, 13 F.R.D. 335, 338 (D.N.Y. 1952). Further, the Court noted that a party seeking such a subpoena must "show the evidentiary nature of the requested materials with appropriate specificity." *Id.* at 3 (internal

1 citation omitted). The Court denied Defendant's motion because he failed to address the relevant  
2 factors and make the appropriate showing and ordered that any future motion "must comply with  
3 the relevant standards." *Id.*

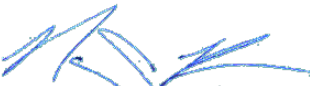
4 Nearly three months after the Court first denied his motion, Defendant filed the instant  
5 motion. Docket No. 243. Although Defendant states numerous times that good cause exists for  
6 the issuance of the requested subpoenas, Defendant fails to address the relevant factors, despite  
7 the fact that the Court set them out for him in its prior order. *See* Docket No. 243.

8 Accordingly,

9 **IT IS ORDERED** that Defendant's motion for discovery, Docket No. 243, is hereby  
10 **DENIED** without prejudice. Any future motion must comply with the relevant standards.

11 IT IS SO ORDERED.

12 DATED: June 18, 2024.

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16 NANCY J. KOPPE  
17 UNITED STATES MAGISTRATE JUDGE  
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